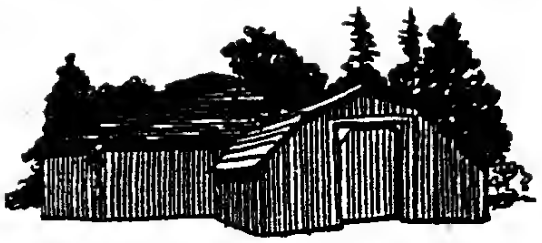

CONSTITUTION
OF THE
KASHIA BAND OF POMO INDIANS
OF THE
STEWARTS POINT RANCHERIA, CALIFORNIA

(Rev. 7/20/10)

APPROVED FOR SECRETARIAL ELECTION

We, the adult members of the Kashia Band of Pomo Indians of the Stewarts Point Rancheria, do hereby establish and approve this Constitution in order to:

- **Strengthen our Tribal bonds;**
- **Govern ourselves by our own laws and customs for the common good and well-being of the Tribe and its members;**
- **Protect the validity of our governmental processes;**
- **Perpetuate our culture and Tribal identity;**
- **Protect and promote our Tribal resources;**
- **Maintain peace and order in our communities; and**
- **Protect and develop the individual and collective rights and benefits of our members.**

We affirm that our traditional cultural heritage and inherent sovereignty are the basis of the well being and continuity of the Kashia people.

ARTICLE 1 – TERRITORY & JURISDICTION

Section 1. Territory

The Territory of the Tribe includes all lands within the exterior boundaries of the Stewarts Point Rancheria; any and all other lands held by the Tribe; and any additional lands acquired by the Tribe or by the United States for the benefit of the Tribe. Such lands include, without limitation, surface and underground rights, including minerals, natural and cultural resources, water rights and air space.

Section 2. Jurisdiction

The Tribe has and may exercise jurisdiction over all its members, wherever located; and all persons, property, lands, resources and activities occurring within the Tribe's Territory, to the fullest extent permitted by law.

ARTICLE 2 - MEMBERSHIP

Section 1. The membership of the Kashia Band of Pomo Indians shall consist of:

(a) All persons of Indian blood whose names appear on the "approved list of voters for the Stewarts Point Rancheria," 1935-1936 and "list of children on the Stewarts Point Rancheria (under 21)," 1935-1936 both lists approved by the General Council on November 15, 1936.

(b) Any person who is a lineal descendant of any person listed under section (a) above.

(c) Any person with Indian blood not otherwise qualified for membership who

is adopted into the Tribe consistent with requirements approved by the General Council.

Section 2. In accordance with Article 5 and Article 6, Section 1 of this Constitution, the General Council shall, within 180 days after the Constitution becomes effective, adopt one or more ordinances consistent with the provisions of this Constitution covering membership and enrollment procedures.

ARTICLE 3 - GOVERNING BODY: GENERAL COUNCIL

Section 1. Composition. We hereby affirm the governing body of the Kashia Band of Pomo Indians is the General Council, which is composed of all qualified voters of the Tribe.

Section 2. Duties. It shall be the duty of all members of the General Council to cooperate to protect and advance the best interests of the Tribe and the general welfare of all Tribal members, support and defend this Constitution and all Tribal laws, and carry out these duties faithfully and impartially.

Section 3. Qualified Voters. All enrolled members of the Kashia Band of Pomo Indians who are 18 years of age or over are qualified voters of the Tribe. The General Council may impose reasonable qualifications other than membership and age for eligibility to vote.

Section 4. Quorum. Forty qualified voters shall make up a quorum, which is the minimum number of voters that must be present at a meeting for a vote of the General Council to be valid, or that must participate in a General Council action (such as the calling of a special meeting, or to initiate proceedings to recall an officer).

Section 5. Regular Meetings. Regular meetings of the General Council shall take place quarterly, on the second Saturday of February, May, August and November each year. The Tribal Council may, upon at least thirty (30) days written notice to the General Council, change the date of a regularly scheduled General Council meeting that falls on a Tribally-recognized holiday, or in the event of a natural disaster affecting Sonoma County, or death of a Tribal member upon written request from the member's family.

Section 6. Special Meetings. The chairperson, or a quorum of the qualified voters by written petition to the Tribal Council for action, may call special meetings of the General Council. A notice of the date, time and location of each special meeting, along with a summary of the purpose for calling the special meeting, shall be sent to all members of the General Council at least thirty (30) days before the meeting takes place.

Section 7. Meeting Notices. The following procedures shall apply to notices for all regular and special meetings of the General Council:

(a) Each meeting notice shall be mailed at least thirty (30) days, but no more than forty-five (45) days, prior to the date the meeting takes place.

(b) The agenda for each meeting shall be mailed with the meeting notice or separately at least two (2) weeks prior to the date the meeting takes place.

(c) The meeting shall be announced on a separate sheet of paper, easily identifiable to the members as a meeting notice.

(d) The General Council may approve additional rules governing how notice of General Council meetings is given, including circumstances under which it may be appropriate to give less than thirty (30) days written notice of a meeting.

Section 8. Meeting Procedures.

(a) At each General Council meeting, the following items shall be addressed, as appropriate:

1. Opening Prayer
2. Approval of Agenda
3. Approval of Prior Meeting Minutes
4. Treasurer's Report
5. Committee Reports
6. Administrator's Report, as requested by the General Council
7. Unfinished Business
8. New business

(b) Voting on matters before the General Council may take place while there is a quorum present at a duly called regular or special meeting. In the absence of a quorum, each meeting shall commence or continue as an informational meeting.

(c) Voting may take place by a show of hands or by secret written ballot, as defined by tribal law or otherwise determined appropriate by the General Council given the subject matter of the vote.

ARTICLE 4 – ELECTED OFFICIALS: TRIBAL COUNCIL

Section 1. Composition The General Council shall elect from its own members, by secret ballot, a Tribal Council composed of the following officials:

(a) Chairperson
(b) Vice Chairperson
(c) Secretary
(d) Treasurer
(e) Three Members-at Large.

The General Council may designate the positions of any or all Members-at-Large to represent a particular geographic or demographic group of the Tribal membership as it deems necessary to ensure full representation.

Section 2. Officer Duties.

(a) It shall be the duty of the Chairperson to preside over all meetings of the General Council and implement and enforce all laws of the Tribe and directives of the General Council. All members of the Council and all subordinate officers shall assist the Chairperson in all proper ways to carry out the directives of the General Council.

(b) It shall be the duty of the Vice Chairperson to perform the functions of the Chairperson in the Chairperson's absence and to implement and enforce all laws of the Tribe and directives of the General Council.

(c) The Secretary shall keep a full report of all proceedings of each regular and special meeting of the General Council and of the Tribal Council, and shall perform such other duties of like nature as the General Council shall designate. The Secretary shall make minutes of all General Council and Tribal Council meetings available at the Tribal Office for inspection by Tribal members during normal business hours.

(d) The Treasurer shall oversee the expenditure, accounting and audit of all Tribal assets and grant funds, and shall provide regular reports to the General Council. The Treasurer shall also preside over meetings and perform such other functions as necessary in the event both the Chair and the Vice Chair are absent. The Treasurer shall be bonded in such an amount as the General Council may by resolution provide.

(e) The Members-at-Large shall perform the functions necessary to ensure the effective operation of the Tribal Council and shall implement and enforce all laws of the Tribe and directives of the General Council.

(f) It shall be the duty of all members of the Tribal Council to cooperate to protect and advance the best interests of the Tribe and the general welfare of all Tribal members, support and defend this Constitution and all Tribal laws, and carry out these duties faithfully and impartially.

Section 3. Officer Elections; Terms of Office. In accordance with Article 5 and Article 6, Section 1 of this Constitution, the General Council shall, within 180 days after the effective date of the Constitution, approve an ordinance consistent with the provisions of this Constitution covering procedures for the election of officers. The election ordinance shall, at a minimum, define voter eligibility and officer qualifications, establish procedures for the recall of officers and for filling vacancies on the Tribal Council, and allow for voting by absentee ballot. The standard term for

each office shall be two years,

Section 4. Initial Officer Election. Within one (1) year after the ratification and approval of this Constitution, an election shall be conducted in accordance with the procedures approved by the General Council to fill all positions on the Tribal Council. The persons in office at the time the Constitution is ratified and approved shall remain in office until the election is conducted and the newly elected officials are sworn in. The newly elected Chair, Secretary and two (2) Members-at-Large shall then hold office for a period of two (2) years, and the newly elected Vice Chair, Treasurer and remaining Member-at-Large shall hold office for a period of one (1) year; thereafter, elections shall be conducted annually, in accordance with the Tribe's election ordinance, with the terms of office staggered.

Section 5. Operating Procedures. The Tribal Council shall operate in accordance with procedures developed by the Tribal Council and approved by the General Council within 180 days after the Constitution becomes effective. The operating procedures shall, at a minimum, provide for a regular schedule of meetings and procedures for adequate notice to all General Council members of (1) the regular meeting schedules of the Tribal Council and General Council for the year, including meetings at the Stewarts Point Rancheria; (2) agendas for, and actions to be taken at, each upcoming meeting; and (3) a report, at least quarterly, of all meetings that have taken place, highlighting topics that have been addressed and actions that have been taken.

Section 6. Vacancies. Any officer who may resign, die or be removed or recalled from office shall be replaced at the next scheduled regular election or, if the vacancy is created more than six (6) months before the next regular election, in accordance with procedures specified in the Tribe's election ordinance.

Section 7. Removal/Suspension. The Tribal Council may remove or suspend an officer for:

(a) failing to attend three (3) consecutive duly called Tribal Council or General Council meetings, whether regular or special, without good cause as defined by the General Council;

(b) being convicted of a felony by any federal, state or tribal court while in office; or

(c) any other grounds defined by the General Council.

Section 8. Recall. A quorum of the General Council may initiate recall proceedings against a member of the Tribal Council for good cause, including the following:

(a) Committing an act that is grounds for removal or suspension from office, where the Tribal Council has failed to take action;

(b) Being found by the General council to have committed a crime against the Tribe or other violation(s) of the Tribe's Ethics and Conduct Ordinance;

(c) Conduct that, in the view of the General Council, constitutes gross neglect of duties.

Section 9. Procedures for Removal/Suspension/Recall. Removal, suspension and recall proceedings shall be conducted in accordance with procedures approved by the General Council that afford full due process rights to any Tribal Council member who is the subject of such proceedings, including a written statement of the charges, the right to respond to those charges, and the right to present witnesses and other evidence in his or her defense.

ARTICLE 5 – GOVERNMENTAL POWERS

Section 1. General Council Authority. The General Council of the Kashia Band of Pomo Indians shall have authority to exercise or delegate to the Tribal Council all powers vested in the Tribe through its inherent sovereignty and federal law including, without limitation, the following:

(a) To negotiate with federal, state, local and other tribal governments;

(b) To employ legal counsel and such other professional advisors as it deems necessary;

(c) To prevent any sale, lease or encumbrance of Tribal lands, interests in lands, or other Tribal assets;

(d) To manage, lease, contract, assign, or otherwise deal with tribal lands, homes, community buildings, infrastructure, funds and other assets and resources of the Tribe, subject to such federal approvals as may be required by law;

(e) To acquire, purchase or accept any land or property for and on behalf of the Tribe, and to request the Secretary of the Interior to take such lands into trust for the benefit of the Tribe;

(f) To protect and preserve the natural and cultural resources of the Tribe;

(g) To appropriate and regulate the use of Tribal funds;

(h) To advise the Secretary of the Interior and other federal funding agencies regarding Tribal needs for federal assistance;

(i) To manage all economic affairs and enterprises of the Kashia Band of Pomo Indians;

(j) To govern the conduct of Tribal members;

(k) To regulate or prohibit the activities of non-members within the Tribe's Territory, and to provide for the removal or exclusion of any non-member from the Rancheria;

(l) To create committees, districts, enterprises and other organizations accountable to the General Council for economic, community service or other purposes;

(m) To establish a court system, grievance board and/or committee for the resolution of disputes and the interpretation and enforcement of Tribal law;

(n) To provide for the participation of the Tribe in intertribal organizations for purposes that benefit the Tribe and Tribal members;

(o) To regulate the procedures of the General Council and other tribal agencies and organizations, consistent with this Constitution;

(p) To take all actions necessary to carry out the foregoing powers, as well as all other inherent sovereign powers of the Tribe that are not specifically listed above.

Section 2. Delegation to Tribal Council. For purposes of ensuring the effective functioning of the Tribal government, the General Council may, by ordinance, resolution or motion documented in the official minutes of a meeting, delegate to the Tribal Council any of the Tribe's governmental powers.

ARTICLE 6 – ORDINANCES AND RESOLUTIONS

Section 1. Ordinances. Tribal laws shall be documented in ordinances approved by the General Council. All ordinances shall be maintained at the Tribal Office and made available during normal business hours for inspection by Tribal members and other persons who may be subject to the provisions of such ordinances.

Section 2. Resolutions. Final decisions on matters of temporary or limited purpose, such as authorization to enter a contract or approval of a budget item, shall be documented in resolutions of the General Council or Tribal Council, noted in meeting minutes or in a separate document. All resolutions shall be maintained in the Tribal Office and made available during normal business hours for inspection by tribal members.

Section 3. Review of Ordinances and Resolutions. Ordinances and resolutions shall be submitted to the Interior Department or its authorized representative for review, comment and/or approval only if required by federal law or otherwise requested by the General Council or Tribal Council.

ARTICLE 7 – BILL OF RIGHTS

Subject to reasonable limitations that may be imposed by the General Council consistent with this Constitution, all members of the Tribe shall enjoy equal political rights and opportunities to participate in the Tribal government, Tribal economic resources, Tribal assets, and all the rights and benefits that are conferred upon a Tribal member. The Tribe, in exercising its powers of self-government, shall guarantee to all persons the protections set forth in the Indian Civil Rights Act (see attached).

ARTICLE 8 - SOVEREIGN IMMUNITY

Section 1. Nothing in this Constitution is intended to be a waiver of any aspect of the sovereign immunity of the Kashia Band of Pomo Indians of the Stewarts Point Rancheria. The Tribe hereby declares that, in exercising its sovereignty to the fullest extent provided by law, the Tribe is immune from legal action against it. This is the case except to the extent that the Tribe expressly waives its sovereign immunity or such waiver is imposed by federal law.

Section 2. To be effective, a waiver of Tribal sovereign immunity for any purpose must be clearly expressed in writing in an ordinance, resolution, lease or other contract approved by the General Council.

ARTICLE 9 – RATIFICATION OF THIS CONSTITUTION

This Constitution, when approved by a majority vote of the voters of the Kashia Band of Pomo Indians voting at a special election called by the Secretary of the Interior, or his authorized representative, in which at least 30 percent of those entitled to vote shall vote, shall be submitted to the Secretary of the Interior for approval, and shall become effective on the date of such approval.

ARTICLE 10 – FUTURE AMENDMENTS / REVISIONS

Once ratified, this Constitution may be amended or revised by a majority vote of the qualified voters of the Tribe voting at an election following procedures approved by the General Council, in accordance with 25 U.S.C. § 476(h), provided that at least 20 percent of those entitled to vote shall vote on the proposed amendment or revision.

CERTIFICATE OF RESULTS OF ELECTION

Pursuant to a Secretarial election authorized by the Regional Director, Pacific Region, on January 30, 2011, the Constitution of the Stewarts Point Rancheria, was submitted to the qualified voters, and was on January 30, 2011, duly adopted/rejected by a vote of 46 for, and 14 against, and 3 cast ballots found spoiled or mutilated, in an electin in which at least thirty percent (30%) of the 112 entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganizatin Act of June 18, 1934 (48 Stat. 984), as amended.

Carol Rogers-Davis, Chairperson
Secretarial Election Board

Tara Candelaria, Board Member
Secretarial Election Board

Elvida Banuelos, Board Member
Secretarial Election Board

Date: January 30, 2011

United States Department of the Interior

IN REPLY REFER TO:

BUREAU OF INDIAN AFFAIRS
Pacific Regional Office
2800 Cottage Way
Sacramento, California 95825

CERTIFICATE OF APPROVAL

The revised Constitution of the Kashia Band of Pomo Indians of the Stewarts Point Rancheria, California which was adopted by the qualified voters of the Tribe on January 30, 2011, is hereby approved pursuant to the authority delegated to the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984), as amended and redelegated to me by the Director, Bureau of Indian Affairs on October 11, 2006. This approval is effective as of this date; provided that nothing in this approval shall be construed as authorizing any action under this document that would be contrary to Federal Law.

Acting

Regional Director

2/15/2011
Date

TAKE PRIDE IN AMERICA